

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Christer Sinderby et al.

Serial No.: 10/589,385

Filed: August 15, 2006

For: METHOD AND DEVICE USING
MYOELECTRICAL ACTIVITY FOR
OPTIMIZING A PATIENT'S
VENTILATORY ASSIST

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: BRKP:028US

Confirmation No.: 7142

CERTIFICATE OF ELECTRONIC SUBMISSION

DATE OF SUBMISSION: November 20, 2006

INFORMATION DISCLOSURE STATEMENT

MS AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

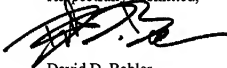
In accordance with 37 C.F.R. § 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be

an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. § 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/BRKP:028US.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



David D. Bahler
Reg. No. 30,932
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: November 20, 2006

Form PTO-1449 (modified)		Atty. Docket No. BRKP:028US	Serial No. 10/589,385
List of Patents and Publications for Applicant's		Applicant Christer Sinderby <i>et al.</i>	
INFORMATION DISCLOSURE STATEMENT			
(Use several sheets if necessary)			
U.S. Patent Documents <i>See Page 1</i>		Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page 1</i>

U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	2003/0079750	05/01/03	Berthon-Jones	128	204.18	07/03/02
	A2	6,584,973	07/01/03	Biondi <i>et al.</i>	128	204.21	09/13/00

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Language
	B1	EP 1366779	12/03/03	Europe	English
	B2	WO 02/056818	07/25/02	WIPO	English

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	PCT International Search Report, July 4, 2005.

25719389.1

EXAMINER: /Steven Douglas/	DATE CONSIDERED: 05/06/2011
----------------------------	-----------------------------

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /SD/